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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/514,371 02/28/00 CURRY

J 50107-459

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WM02/1003

EXAMINER

VII, H

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

10/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/514,371

Applicant(s)  
Curry et al

Examiner  
Huy Vu

Art Unit  
2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 22, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 28-37 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-22, and 28-37 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 U.S.C. § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, recitation "the third data packets sending step" lacks clear antecedent basis. It is not clear as to what the third data packets sending step refers.

### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (RFC 1798 - "INETPhone: Telephone Services and Servers on Internet") in view of Crawley et al (USP 5,995,503).

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Regarding claims 35, Yang teaches sending from a calling party a called number including an area code to a first central office (central office in area A) connected to a first telephone system (telephone system in area A), forwarding the called number from the first central office to a first telephony server (INETphone server in area A) (see section 1) and in communication with the wide area network (the Internet), identifying the second telephony server (INETphone server in area B) from a routing and administration data base (directory server in section 4) using the area code (see section 4), sending the called number from the first server (INETphone server in area A) to the second server (INETphone server in area B) via the WAN (the Internet) and selectively establishing a communication link between the first server (INETphone server in area A) to the second server (INETphone server in area B). Yang differs from the claim in that Yang does not explicitly state that the link between the first and second telephony server is set along a determined path. However, it is old and well known in the art to connect two nodes or servers in a packet network (such as the Internet) using a determined path for providing quality of service. For example, Crawley teaches the establishment of a QoS path for providing quality of service in a connection less network environment. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Crawley's teaching of using a QoS path in Yang's Internet with the motivation being to provide quality of service.

Regarding claim 36, Crawley's a QoS path provides guarantee of service.

Regarding claim 37, router provide identification of path.

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5. Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (RFC 1798 - "INETPHONE: Telephone Services and Servers on Internet") in view of Picard et al (USP 6,233,318).

Regarding claims 30-31, Yang teaches sending from a calling party a called number including an area code to a first central office (central office in area A) connected to a first telephone system (telephone system in area A), forwarding the called number from the first central office to a first telephony server (INETPHONE server in area A) (see section 1) and in communication with the wide area network (the Internet), identifying the second telephony server (INETPHONE server in area B) from a routing and administration data base (directory server in section 4) using the area code (see section 4), sending the called number from the first server (INETPHONE server in area A) to the second server (INETPHONE server in area B) via the WAN (the Internet) and selectively establishing a communication link between the first server (INETPHONE server in area A) to the second server (INETPHONE server in area B). Yang differs from the claim in that Yang does not explicitly teach session id. However, session ID is taught by Picard for identifying the current session(see col. 18, lines 23-26). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Picard's teaching of session ID in Yang's system with the motivation being to identify the current session .

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6. Claims 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (RFC 1798 - "INETPHONE: Telephone Services and Servers on Internet") in view of Picard et al (USP 6,233,318) as applied to claim 30 above and further in view of Crawley et al (USP 5,995,503).

Regarding claims 32, Yang in view of Picard differs from the claim in that Yang in view of Curry does not explicitly teach the guarantee of service for the link between the first and second telephony server. However, it is old and well known in the art to connect two nodes or servers in a packet network (such as the Internet) using a quality of service path that guarantees the QoS. For example, Crawley teaches the establishment of a QoS path for providing quality of service in a connectionless network environment. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Crawley's teaching of using a QoS path in Yang in view of Picard's system with the motivation being to provide guaranteed quality of service.

Regarding claims 33, since the level of quality of service depends from a particular path which in turn depends from a particular source and destination pair, the determination of the level of service essentially is based on the identification of the calling party.

7. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (RFC 1798 - "INETPHONE: Telephone Services and Servers on Internet") in view of Crawley et al (USP 5,995,503) and Picard et al (USP 6,233,318) as applied to claim 32 above and further in view of Hogan (USP 5,483,587)

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Regarding claim 34, Yang in view of Crawley and Picard fails to teach an interoffice signaling link between CO and server for reliably carrying signaling communication between the CO and server. However, such feature is taught by Hogan. For example, Hogan teaches that telephony server (302) receives called number from the switching office via a signaling channel (124) (see figures 3 and 5). The use of signaling channel as a reliable means to communicate calling data or other types of calling signaling information is old and well known in the art. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Hogan's teaching of using a signaling channel to communicate called number from the switching office to the telephony server in Yang Crawley and Picard's system with the motivation being to improve transmission reliability of control or signaling information.

8. Claims 1-7, 9-10, 12-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (RFC 1798 - "INETPHONE: Telephone Services and Servers on Internet") in view of Hogan (USP 5,483,587) and Crawley et al (USP 5,995,503).

Regarding claims 1 and 18, Yang teaches sending from a calling party a called number including an area code to a first central office (central office in area A) connected to a first telephone system (telephone system in area A), forwarding the called number from the first central office to a first telephony server (INETPHONE server in area A) (see section 1) and in communication with the wide area network (the Internet), identifying the second telephony server (INETPHONE server in area B) from a routing and administration data base (directory server in section 4) using the area

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code (see section 4), sending the called number from the first server (INETPHONE server in area A) to the second server (INETPHONE server in area B) via the WAN (the Internet) and selectively establishing a communication link between the first server (INETPHONE server in area A) to the second server (INETPHONE server in area B).

Yang, teaches the use of INETPHONE servers (telephony server) to route long distance calls over the Internet to reduce cost. Yang differs from the claim in that Yang does not teach that the telephony server receives called numbers from the central office via a signaling channel. However, such feature is old and well known in the art of telephony. For example, Hogan teaches that telephony server (302) receives called number from the switching office via a signaling channel (124) (see figures 3 and 5). The use of signaling channel as a reliable means to communicate calling data or other types of calling signaling information is old and well known in the art. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Hogan's teaching of using a signaling channel to communicate called number from the switching office to the telephony server in Yang's system with the motivation being to improve transmission reliability of control or signaling information. Yang in view of Hogan still fails to teach the allocation of resources on the wide area network sufficient to provide guaranteed level of service through the WAN. However such feature is old and well known in the art as evidenced by Crawley. Specifically, Crawley teaches a bandwidth allocation for QoS on the WAN packet network for maintaining a guaranteed QOS in communications within the communications system. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply either the teaching of a bandwidth



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allocation scheme for providing guaranteed services in WAN as taught by Crawley in the system of Yang in view of Hogan with the motivation being to enhance system performance by providing guaranteed level of services.

Regarding claims 2-3, Yang teaches a directory server (routing and administration server) that which, in response to receiving a routing request from the source INETPHONE server in area A, send a reply containing the identity of the destination INETPHONE server in area B.

Regarding claims 4 and 6-7, the INETPHONE server supplies the directory server the telephone number of the destination number so that the directory server. In return, the directory server send back the IP address of the destination INETPHONE server that serves the destination number.

Regarding claim 5, the INETPHONE server also has a local directory from which it can obtain the IP address of the remote INETPHONE server. See section 3.

Gilbert et al (USP 6,097,804)

Regarding claims 9-10 and 15-16, the condition of the called party is monitored by the remote central office and busy status should be relayed to the remote server which in turn sends back condition of called party.

Regarding claim 12, CO always monitors the condition of calling party for connection. It is clear that if the call is dropped by the caller, transmission has to be suspended by the central office.

Regarding claims 17 and 22, since the path is on the same link as other communications, the routers can change the rate of any call based on the traffic.

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9. Claims 8, 14, 20-22 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (RFC 1798 - "INETPHONE: Telephone Services and Servers on Internet") in view of Hogan (USP 5,483,587) and Crawley et al (USP 5,995,503) and Picard et al (USP 5,078,582). Regarding claims 8, 14, 20-12 and 28-29, Yang in view of Hogan and Crawley fails to teach session id. However, session ID is taught by Picard for identifying the current session(see col. 18, lines 23-26). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Picard's teaching of session ID in Yang in view of Hogan and Crawley's system with the motivation being to identify the current session.

10. Claim 11 is are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

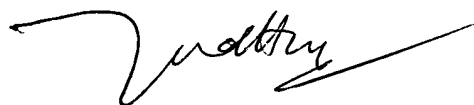
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 8:00 a.m. to 4:00 p.m. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



HUY D. VU  
PRIMARY EXAMINER